

May 11, 1989

LB 258, 377

is violated. Senator Baack would give his property to Senator Ashford and his heirs, but if Senator Ashford or any descendant of his fails to take care of Senator Baack's grave, then the property goes to Senator Chambers. Now that violates it. That means Senator Chambers could get the property only if Senator Ashford didn't take care of Senator Baack's grave, and so what would happen is when Senator Baack made his will up, somebody could go and contest it and say, well, that is crazy because Senator Ashford could have this property for years and years and years and his children could have it for years and years and years, and if just one of them failed to take care of Senator Baack's grave, Senator Chambers would automatically get the property, and so the rule against perpetuities would say, no, that is wrong. That is tying it up for too long. Senator Ashford wouldn't be allowed to sell his property and, thus, somebody could unknowingly, let's say Senator Weihing could buy the property from Senator Ashford, never know that if he didn't take care of the grave, it would automatically go to Senator Chambers. And we don't want those sorts of things to happen because most of us don't want Senator Chambers to have anything, and so that would violate the rule against perpetuities. Quite frankly, this is a well-thought-out and drafted bill. I must, in all seriousness, tell you that it has been scrutinized by many people who spend their entire life looking at property interest and I would urge its adoption and recommend it to you. Thank you.

PRESIDENT: The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 377.

PRESIDENT: LB 377 is advanced. LB 258.

CLERK: LB 258, Mr. President, introduced by the Government Committee and signed by its members. (Read title.) The bill was introduced on January 9, referred to Appropriations, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Yes, Mr. President and members, this...this was